



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, शनिवार, 13 मई, 2006/23 वैशाख, 1928

HIGH COURT OF HIMACHAL PRADESH, SHIMLA

NOTIFICATION

Shimla-1, the 9th May, 2006

No. HHC(Rules)22(29)/84.— In exercise of the power conferred upon him under sub-section (10) of Section 11 of the Arbitration and Conciliation Act, 1996, the Chief Justice of the High Court of Himachal Pradesh makes the following Scheme :

1. Short title.— (1) This may be called "the Appointment of Arbitrators by the Chief Justice of Himachal Pradesh High Court Scheme, 2006".

(2) It shall come into effect from the date of its publication in the official gazette.

2. *Submission of request.*—The request to the Chief Justice under sub-section (4), sub-section (5), or sub-section (6) of section 11 of the Act shall be made in writing and should be accompanied by the original arbitration agreement or a duly certified/attested copy thereof. The request in writing shall be supported by an affidavit and contain the following particulars :

- (a) the names and addresses of the parties to the arbitration agreement;
- (b) a brief statement of the case describing its general nature as well as the disputes between the parties, the issues involved and the approximate value of the disputes, including, in broad terms the date when the cause of action accrued to file the application;
- (c) all the material facts and particulars requisite for obtaining relief (s) under sub-section (4), sub-section (5) or sub-section (6) of Section 11 of the Act;
- (d) Relief or remedy sought.

3. The request shall be accompanied/supported by all relevant documents to the effect that the conditions, if any or if applicable, to be satisfied under sub-section (4), sub-section (5), or sub-section (6) of section 11 of the Act, as the case may be, before making the request to the Chief Justice, have been satisfied.

4. *Authority to deal with the request.*— Upon receipt of the request, the Chief Justice may either deal with the matter himself or entrust the same to any other person or institution designated by him for the purpose.

Note.—In this scheme hereafter the expression "Chief Justice", wherever occurring shall include the person or the Institution designated by him under para 4.

5. *Rejection of request.*— Where the request made by any party under para 2 is not in accordance with the provisions of this Scheme, the Chief Justice may either reject the request forthwith or seek further information or clarification from the petitioner or permit the petitioner to file a supplementary affidavit.

6. *Notice to affected person.*—Subject to para 5, the Chief Justice may direct that a notice of the request be given to the opposite parties in the case and such other person or persons as the Chief Justice may consider appropriate or necessary. In the notice the opposite parties/other persons shall be asked to show cause as to why the appointment of the Arbitrator should not be made, or the measures proposed in the request, be not taken. Every such notice shall be accompanied by the copies of the request application as well as all documents/papers accompanying the application.

7. *Intimation of action taken on request.*— After the conclusion of the proceedings in the request case, the decision taken thereupon, whether with respect to the appointment of the Arbitrator or any measure required to be taken, may be communicated in writing to either the Arbitrator (s) appointed or to such other person or persons who are not parties in the request case and who may, in some manner or the other, be considered affected by the decision in the request case.

8. *Requests and communications to be sent to registrar.*—All requests under this Scheme and communications relating thereto which are addressed to the Chief Justice shall be presented in the Registry of this Court, which shall maintain a separate Register of such requests and all communications relating thereto.

9. *Interpretation.*—If any question arises with reference to the interpretation of any part of this Scheme, such question shall be referred to the Chief Justice, whose decision shall be final.

10. *Repeal.*—"The Appointment of Arbitrators by the Chief Justice Himachal Pradesh High Court Scheme, 1996" is hereby repealed. Such repeal however, shall not affect the request cases filed or pending upto the date of the repeal and all such cases shall continue to be governed by the 1996 Scheme.

Place : Shimla

Dated : May 9, 2006

Sd/-

(V. K. GUPTA)

Chief Justice

High Court of Himachal Pradesh,

Shimla.

